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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Single Bench : Hon'ble Shri Dilip Raosaheb Deshmukh, J.**

**Second Civil Appeal No.339 of 2007**

**Appellants**  
**Plaintiffs**

1. Deenu Ram S/o Likhan Sahu, aged 56 years
2. Harish Chandra, aged 27 yrs,  
S/o Shri Deenu Ram.

All r/o Gram-Bhanpuri  
Tah-Distt-Rajnandgaon (CG)

versus

**Respondents**  
**Defendants**

1. Smt. Membai W/o Ramsharan Sahu,  
aged about 45 years

r/o Gram: Paragaon  
Tah: Dongargarh  
Distt: Rajnandgaon (CG)

2. State of CG  
Through: The Collector  
Distt. Rajnandgaon (CG)

**Second Civil Appeal under Section 100 of C.P.C., 1908**

**Present:** Shri Anurag Shrivastava, counsel for the applicant.

**ORAL ORDER**

**(Passed on 29<sup>th</sup> August, 2007)**

Heard on admission.

- (2) Also heard on I.A. No.2 for taking copy of judgment on record.
- (3) Considered and allowed. Document is taken on record.
- (4) The appellants are aggrieved by the judgment and decree dated 26.02.2007 passed in civil appeal No.22-A/2006 by the District Judge, Rajnandgaon whereby the judgment and decree dated 6.3.2006 passed by the II<sup>nd</sup> Civil Judge, Class-I, Rajnandgaon in civil suit No.154-A/2005 whereby the suit was dismissed, was affirmed.

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(5) Both the Courts below have on proper appreciation of evidence oral as well as documentary recorded a concurrent finding that the appellant/plaintiffs have failed to prove that the suit property was bequeathed by Rekhchand through a will deed dated 20.12.1996. I have perused the records of the lower Court as also the lower appellate Court. The will (Ex.P-1) did not contain the description of the property. There were material contradictions relating to execution of document by Rekhchand. In view of the concurrent finding of fact recorded by both the Courts below, no substantial question of law arises for determination in this appeal, which is accordingly dismissed at the stage of admission.

(6) In view of the above, I.A. No.1, which is an application under Order-41, Rule-5 read with Section 151 of Code of Civil Procedure, 1908 stands disposed of.

Sd/-  
**Dilip Raosaheb Deshmukh**  
Judge